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JUL 10 2003  
TECHNOLOGY CENTER R3700

3744 DAC  
#32/  
Pet  
4D  
ABN  
PATENT  
4502-1010

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of:

Bradley HOUGHTON et al.

Technology Center: 3744

Attn: Group Director

Appln.: 09/319,764

Conf.: 3540

Filed: September 9, 1999

Group: 3744

VALVE SYSTEMS FOR SERVO

Examiner: W.E. Tapolcai

CONTROL OF FLUID FLOWS

**PETITION UNDER 37 CFR §1.181**  
**TO WITHDRAW THE HOLDING OF ABANDONMENT**

Assistant Commissioner for Patents  
Alexandria, VA 22313-1450

July 7, 2003

Sir:

Withdrawal of the holding of abandonment in the above-identified application pursuant to 37 CFR §1.181 and §711.03(c) of the Manual of Patent Examining Procedure (MPEP) is respectfully requested for the following reasons:

On June 26, 2003, the undersigned Attorney received a telephone call from Primary Examiner William E. Tapolcai, inquiring as to whether a responsive amendment had been filed in response to an Official Action dated December 17, 2002.

Upon apprising the Examiner that we had never received any Official Action dated December 17, 2002, we were kindly provided with a copy thereof on June 26, 2003, via telefax.

Accordingly, it is clear that the U.S.P.T.O. considers the above-captioned application abandoned.

The undersigned, who is a registered patent attorney, hereby states that no Official Action on the merits has been received from the U.S.P.T.O. after the decision dated August 28, 2002 granting Applicants' petition to revive. Moreover, the undersigned attorney attests to the fact that a search of the file jacket and docket records confirms that no U.S.P.T.O. action on the merits has been received following the decision granting the petition to revive, except for the above-mentioned facsimile transmission of June 26, 2003, which is after the application was considered abandoned.

Petitioner submits herewith as Exhibit A, a copy of the computer-generated docket for the present application, and as Exhibit B the firm's docket record where the non-received Official Action would have been entered had it been received and docketed for response on March 17, 2003. In addition, there is also submitted herewith as Exhibit C a copy of the file jacket of the above-captioned application, which clearly reveals that no Official Action on the merits has been received following the decision granting the petition to revive of August 28, 2002. Indeed, the entries on the file jacket following that decision merely include an assignment filed on December 9, 2002, a notification received from the Patent and Trademark Office dated

December 17, 2002 accepting Applicants' new Power of Attorney, and a recorded assignment mailed to the client on April 23, 2003. The last entry made on the file jacket reveals that on June 30, 2003, we reported the Official Action received by telefax on June 28, to the clients.

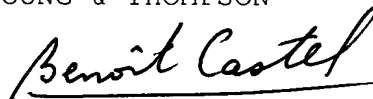
In view of the above remarks, and the accompanying Exhibits, it is respectfully submitted that Applicants did not timely receive the Official Action dated December 17, 2002, until after abandonment of the application.

Accordingly, it is respectfully requested that: 1) the holding of abandonment for failure to respond within the statutory period be withdrawn; and 2) that the period for responding to the Official Action be restarted.

Respectfully submitted,

YOUNG & THOMPSON

By



Benoit Castel  
Attorney for Applicants  
Registration No. 35,041  
745 South 23rd Street  
Arlington, VA 22202  
Telephone: 703/521-2297

Attachments

# Country Application

Monday, July 07, 2003

<b>Case Number:</b> 4502-1010	<b>Country:</b> US	<b>SubCase:</b>
<b>Client:</b> PIPERS (TAKAPUNA)	United States of America	
<b>Case Type:</b> CPA	<b>Application Status:</b> Pending	
<b>Application Number:</b> 09/319,764	<b>Filing Date:</b> 09-Sep-1999	
<b>Publication Number:</b>	<b>Publication Date:</b>	
<b>Patent Number:</b>	<b>Issue Date:</b>	
<b>Parent/PCT Number:</b> PCTNZ00168	<b>Parent/PCT Date :</b> 12-Dec-1996	
<b>Parent Issue Number:</b>	<b>Parent Issue Date :</b>	
<b>Agent:</b>	<b>Expiration Date:</b>	
<b>Agent Reference No.:</b>	<b>PTA:</b> 0	
	<b>Tax Schedule:</b> LE	
	<b>Confirmation #:</b>	

**Remarks:** Application transferred to Young & Thompson - received on 3-13-02. To RJP on 3-21-02 docketed to Revive by 5-16-02 PER RJP given to RL.

PTO communication dated 12-17-02 received w/ attached NOTICE REGARDING CHANGE OF POWER OF ATTORNEY and NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY.

File to RJP on 6-27-03. LJR

## List Of Actions

Action(s) Due	Due Date		Action Taken
3 Month Due Date - Final	11-Jan-2001	Due Date	13-Mar-2002
1st Extension - Final	11-Feb-2001	Due Date	13-Mar-2002
Application Status Check	09-Mar-2001	Due Date	19-Jul-2002
2nd Extension - Final	11-Mar-2001	Due Date	13-Mar-2002
3rd Extension - Final	11-Apr-2001	LAST DAY	13-Mar-2002
Check status - allowed?	13-Apr-2002	Due Date	13-Mar-2002
PETITION TO REVIVE REMINDER	09-May-2002	Reminder	19-Jul-2002
PETITION TO REVIVE	16-Jun-2002	Final	16-Jul-2002
PET TO REVIVE FOLLOW UP	16-Sep-2002	Due Date	28-Aug-2002
Application Status Check	16-Jan-2003		11-Jun-2003
STATUS CALL-UP LJR	29-Jun-2003	Due Date	27-Jun-2003
STATUS CALL-UP LJR	29-Jul-2003	Due Date	

# EXHIBIT A

**User ID:** ljr**Date Created:** 18-Mar-2002**Last Update:** 27-Jun-2003

***EXHIBIT A***

Amendments

Issue Fees

17 <del>BUSCH 0501-1019</del> Brief (Ext. 1) <i>CPA 3/17</i>	<del>AIACHE 0504-1040</del> pd 3/17
KUZEE 2001-1044 (Ext. 2) Allowed? <i>ext 3</i>	<del>BOOTSMA 2003-1002</del> pd 3/17
<del>MILLER 3020-1001</del> (Ext. 2) Allowed? <i>yes 3-3</i>	<del>BORDEWIJK 2001-1070</del> pd 3/17
OUDAKKER 2003-1005 (Ext. 2) <i>ext 3</i>	<del>BROBERG 1501-1168</del> pd 3/17
VAN DER STARRE 2001-1083 (Ext. 2) Allowed? <i>ext 3</i>	<del>DAMIEN 0550-1003</del> pd 3/17
BARTHOLEYNS 0508-1064 <u>FINAL</u> <i>Amndt 3-3</i>	<del>FRAYSSE 0503-1037</del> pd 3/17
BEST 4005-1005 <u>FINAL</u> <i>Amndt 3-6</i>	<del>GARNIER 0536-1003</del> pd 3/17
MAXWELL 4501-1008 Suspended <i>move 6 mos.</i>	<del>HORIKIRI 8012-1069</del> 2/12
<del>MIGLIORI 2511-1016</del> <i>amdt 3-14</i>	<del>JARRY 0504-1065</del> pd 3/17
NAKAZAWA 8013-1007 <i>ext 1</i>	<del>KATAYAMA 8012-1067</del> 2/12
<del>NARUSE 8025-1006</del> <i>amdt 3-17</i>	<del>KONDO 8012-1059</del> 3/12
<del>PRAKKEN 2001-1014</del> <i>amdt 3-14</i>	<del>KUZEE 2001-1231</del> pd 3/17
<del>SANSON v. SAMSON 7004-1006</del> Time to Oppose <i>2/28</i>	<del>LINDMARK 1501-1011</del> pd 3/17
SYRJANEN 3505-1002 <u>FINAL</u> <i>ext 1</i>	<del>NAKAHARA 8046-1020</del> pd 3/17
<del>UENO 8041-1015</del> <i>Amndt 3/11</i>	<del>ODA 8001-1028</del> pd 3/17
	<del>OKAMURA 8029-1033</del> pd 3/17
	<del>SAULNIER 0503-1080</del> pd 3/17
	<del>SCHMUTZ 0503-1015</del> pd 1/9
	<del>WOOD 4506-1009</del> pd 3/17
	<del>YOSHIDA 8012-1068</del> 3/12
	<del>YOSHIDA 8012-1071</del> 3/12
	<del>YOSHIDA 8012-1073</del> 3/12

**HOUGHTON ET AL.****U.S. PATENT APPLICATION**

GROUP \_\_\_\_\_ APPLICATION NO. 09/319,764  
 CLIENT ~~American Standard Inc.~~ PIPER (TAKAPUNA)  
 INVENTOR Bradley HOUGHTON, Peter JEROMSON, Jamie WILKINSON,  
Peter BARNES and Giscard RUTTEN  
 ASSIGNEE American Standard International of New York, New York  
 TITLE VALVE SYSTEMS FOR SERVO CONTROL OF FLUID FLOW

FILED: September 9, 1999 CONF. NO. \_\_\_\_\_  
 ALLOWED: \_\_\_\_\_ ISSUE FEE PAID \_\_\_\_\_  
Convention PATENT NO. \_\_\_\_\_  
 C.C. FILED \_\_\_\_\_ ISSUE DATE \_\_\_\_\_

FOREIGN APPLICATIONS: New Zealand Appln. 299927 filed December 12, 1996  
 PCT/NZ98/00168 filed December 12, 1997

*Transfer to Y&T --- Mar 13, 02*  
*Notice of Abandon --- Aug 29, 01*  
*PTA HETTER TO REVISE --- JUL 16-02*  
*Rec to Boino Granted --- Aug 28, 2002*  
*Assigned filed --- Dec 9-02*  
*Notice re Change of Pat*  
*Acceptance of Pat DEC 17 2002*  
*Assign to P --- April 23-03*  
*Exp --- June 30-03*

SMALL ENTITY STATUS CLAIMED

YES  
☐**EXHIBIT C**YOUNG & RUBINSON  
SUITE 200**BEST AVAILABLE COPY**